

ORDINANCE NO. 11-56

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; **PROPERTY LOCATED AT 130 EAST 34 STREET, HIALEAH, FLORIDA**, ZONED R-1 (ONE FAMILY DISTRICT); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board on April 6, 2011 recommended the proposed amendment to the Future Land Use Map of the Hialeah, Fla., Comprehensive Plan to the Hialeah City Council, subject to final approval by the Florida Department of Community Affairs ("Department") and other regulatory agencies under the alternative state review process; and

WHEREAS, the City Council established its intent to amend the Future Land Use Map, adopting the recommendation of the Planning and Zoning Board, through Hialeah, Fla., Resolution 11-37 (May 9, 2011) that was submitted to the Department and other regulatory agencies for approval; and

WHEREAS, the South Florida Regional Planning Council reviewed the proposed amendment to the Future Land Use Map and made a determination of consistency with the Regional Plan of South Florida on June 8, 2011, a copy of the amendment review is on file in the Office of the City Clerk; and

WHEREAS, the Department reviewed the proposed amendment for consistency with the Hialeah, Fla., Comprehensive Plan, Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code, and offered no comments relation to important state resources and facilities that would be adversely impacted by this amendment on June 16, 2011, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, the South Florida Water Management District reviewed the proposed amendment on June 6, 2011 and offered no comments since the amendment poses no significant water resource issues, a copy of this review letter is on file in the Office of the City Clerk; and

WHEREAS, the Florida Department of State, Division of Historical Resources, reviewed the proposed amendment on June 6, 2011 and found that the amendment had no adverse effects on historical resources, a copy of the review letter is on file in the Office of the City Clerk; and

WHEREAS, Miami-Dade County, through its Department of Planning and Zoning, reviewed the proposed amendment on June 16, 2011 and found it consistent with the relevant provisions of the Miami-Dade County Comprehensive Development Master Plan, a copy of the review letter is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Future Land Use Map is hereby amended from Low Density Residential to Medium Density Residential. Property located at 130 East 34 Street, Hialeah, Miami-Dade, Florida, zoned R-1 (One Family District), and legally described as follows:

LOT 8, BLOCK 1, RONNIE SUE SUBDIVISION, AS
RECORDED IN PLAT BOOK 55, PAGE 67, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If the Administration Commission issues an order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

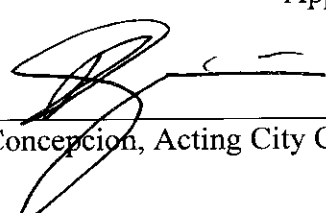
PASSED and ADOPTED this 9th day of August, 2011.

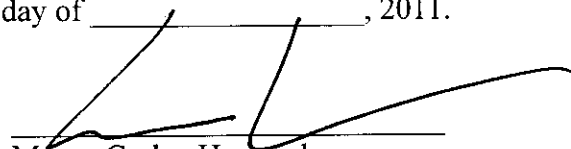
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

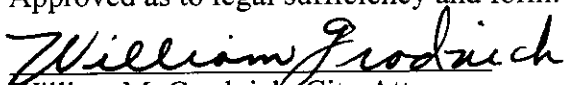
Attest:

Approved on this ____ day of _____, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".



miamidade.gov

Planning and Zoning
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

June 16, 2011

Ms. Deborah Storch
Planning and Zoning Official
City of Hialeah
501 Palm Avenue
Hialeah, Florida 33010-4719

Re: Proposed City of Hialeah Comprehensive Plan Amendments; DCA No. 11-1AR

Dear Ms. Storch:

The Department of Planning and Zoning (Department) has reviewed the two proposed City of Hialeah Comprehensive Plan amendments. Our review is conducted to identify points of consistency or inconsistency with goals, objectives, policies and relevant provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP), and whether the proposed amendments impact County public facilities and services.

The Department finds the first proposed Future Land Use Map amendment, located at 130 East 34 Street requesting a redesignation from "Low Density Residential" to "Medium Density Residential," is generally consistent with the CDMP. Furthermore, there appear to be no impacts to County public facilities and services.

The Department also finds that the second proposed Future Land Use Map amendment, located at 10450 NW 168 Terrace requesting a redesignation from "Industrial and Office" to "Major Institutions," is consistent with the CDMP. The land use redesignation is proposed to accommodate a Reverse Osmosis (RO) Water Treatment Plant. The 24.24-acre subject property was part of a larger 1,140-acre CDMP Land Use Plan map amendment application filed by the City of Hialeah and request to move the County's Urban Development Boundary (UDB) submitted during the April 2005 CDMP Amendment Cycle, which resulted in the approval of the amendment in 2006 subject to a Settlement Agreement between the Department of Community Affairs and Miami-Dade County. The RO Water Treatment Plant was included in the settlement agreement as a condition to accommodate the impact of the proposed uses as a result of the expansion of the UDB. Also, Miami-Dade County and City of Hialeah entered into a Joint Participation Agreement to design, build and share the cost of the plant. The RO Water Treatment Plant facility is identified in the CDMP, "Table 1, Alternative Water Supply and Wastewater Reuse Projects 2007-2030" (Page V-11.1), Water, Sewer and Solid Waste Element; and on "Table 12, Water Facilities," Item 19B, 19C and 19D (Page IX-86), Capital Improvements Element. Furthermore, the RO Water Treatment Plant facility is identified in the City of Hialeah's "Water Supply Plan" (Page 13) and the "2011 CI Schedule – Annual Update, Table 11 and Table 12" (Pages 12 - 13).

If you have any questions, please do not hesitate to contact me or Mark R. Woerner, Chief, Metropolitan Planning at 305-375-2835.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc C. LaFerrier".

Marc C. LaFerrier, AICP
Director

Handwritten initials in black ink, appearing to read "MCLF:MRW:smd".

MCLF:MRW:smd

c: Ray Eubanks, Administrator, Plan Review and Processing, Department of Community Affairs



FLORIDA DEPARTMENT OF STATE

Kurt S. Browning

Secretary of State

DIVISION OF HISTORICAL RESOURCES

June 6, 2011

Ms. Debora Storch
Planning & Zoning
City of Hialeah
Raul L. Martinez Government Center
501 Palm Avenue
Hialeah, Florida 33010-4719

Re: Historic Preservation Review of the City of Hialeah 11-1AR Comprehensive Plan
Amendment

Dear Ms. Storch:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Hialeah Comprehensive Plan.

We reviewed two proposed land use amendments to the Hialeah Comprehensive Plan to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the city's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at 850.245.6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

pc: Mr. Ray Eubanks, DCA

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
850.245.6300 • FAX: 245.6436

☐ Archaeological Research
850.245.6444 • FAX: 245.6452

☒ Historic Preservation
850.245.6333 • FAX: 245.6437

South
Florida
Regional
Planning
Council



Sent Via Email

June 8, 2011

The Honorable Carlos Hernandez
Mayor
City of Hialeah
501 Palm Avenue
Hialeah, FL 33010

Dear Mayor Hernandez:

At its June 6, 2011 meeting, the Council considered proposed Local Government Comprehensive Plan amendment #11-1AR for the City of Hialeah. Council action, pursuant to Chapter 163, Florida Statutes, found the amendment to be generally consistent with the *Strategic Regional Policy Plan for South Florida*. The Council, by the same motion, approved the transmittal of the enclosed agenda item to the City, with copies to the Florida Department of Community Affairs and all applicable review agencies.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Jack Osterholt". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

B. Jack Osterholt
Executive Director

BJO/kc

Enclosure

cc: Deborah Storch



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 6, 2011

Ms. Debora Storch
Planning and Zoning Official
City of Hialeah
501 Palm Avenue
Hialeah, Florida 33010-4719

Dear Ms. Storch:

**Subject: City of Hialeah, DCA #11-1AR
Comments on Proposed Comprehensive Plan Amendment Package**

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Hialeah (City). The package consists of two proposed Future Land Use Map amendments. The first amendment would change the land use for a site less than one acre from Low Density Residential to Medium Density Residential. The second amendment would change the land use on a 24-acre site that was recently annexed by the City and upon which it is constructing a new reverse osmosis water treatment plant. The change is from Miami-Dade County's Industrial and Office land use category to the City's Major Institutions category. The plant is part of the long-term sustainable potable water supply for the City and Miami-Dade County. The amendment poses no significant water resource issues; therefore, the District forwards no comments on the proposed amendments.

The District offers its technical assistance to the City, Miami-Dade County, and the Department of Community Affairs in developing sound, sustainable solutions to meet the City's future water supply needs and to protect the region's water resources. For assistance or additional information, please contact Terry Manning at (561) 682-6779 or tmanning@sfwmd.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Braun", with a long horizontal flourish extending to the right.

Rod Braun
Director
Intergovernmental Policy and Planning Division

c: Ray Eubanks, DCA
Marc LaFerrier, Miami-Dade County
Terry Manning, SFWMD
Jim Quinn, DEP
Maria Valdes, Miami-Dade County



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

June 16, 2011

The Honorable Julio Robaina
Mayor, City of Hialeah
501 Palm Avenue
Hialeah, Florida 33010

JUN 17 2011
MAYOR'S OFFICE

Dear Mayor Robaina:

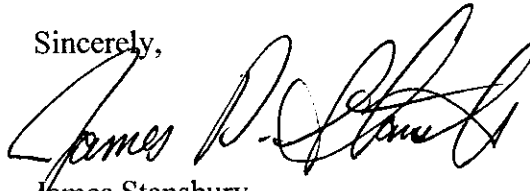
The State Land Planning Agency (the Agency) has completed its review of the proposed comprehensive plan amendment for Hialeah (Amendment No. 11-1AR) which was received on May 17, 2011. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities that will be adversely impacted by the amendment if it is adopted.

The City of Hialeah is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City regarding these proposed amendments. These reviewing agency comments could form the basis for a challenge by this Agency.

If other reviewing agencies provide comments, we recommend that the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments may form the basis for a challenge to the amendment after adoption. The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, if the second public hearing is not held within 180 days of your receipt of the agency comments, and the timeframe is not extended by agreement, Section 163.3184(3)(c)1, Florida Statutes, provides that the amendment will be deemed withdrawn. For your assistance, we have attached procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions, please call Michael Epstein, at (850) 488-4725, or by email at michael.epstein@dca.state.fl.us.

Sincerely,



James Stansbury
Regional Planning Administrator

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

RESOLUTION NO. 11-37

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING THE APPLICATION REQUESTING AN AMENDMENT TO THE FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL. **PROPERTY LOCATED AT 130 EAST 34 STREET, HIALEAH, FLORIDA.** PROPERTY ZONED R-1 (ONE-FAMILY DISTRICT), WHICH WAS PRESENTED TO THE CITY COUNCIL AT A SPECIAL MEETING ON MAY 3, 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application requesting an amendment to the Future Land Use Map was presented to the City Council and was recommended for approval at the Planning and Zoning Board meeting of April 6, 2011, subject to approval by the Florida Department of Community Affairs or as otherwise provided in section 163.3184, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: It is the intent of the City Council that the amendment to the Future Land Use Map, as set forth hereinbelow, after appropriate comment and public hearing, shall be considered for approval from Low Density Residential to Medium Density Residential. Property located at 130 East 34 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One-Family District), and legally described as follows:

LOT 8, IN BLOCK 1, OF RONNIE SUE SUBDIVISION,
ACCORDING TO THE PLAT THEREOF, AS RECORDED
IN PLAT BOOK 55, PAGE 67, OF THE PUBLIC
RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Effective Date.

This Resolution shall become effective only upon approval of the Florida Department of Community Affairs, the state planning agency, pursuant to Chapter 163, Part

II, Florida Statutes, or as otherwise provided in section 163.3184, Florida Statutes.

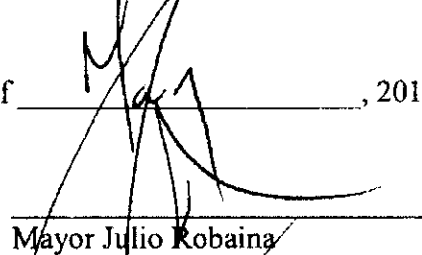
PASSED AND ADOPTED this 3rd day of May, 2011.



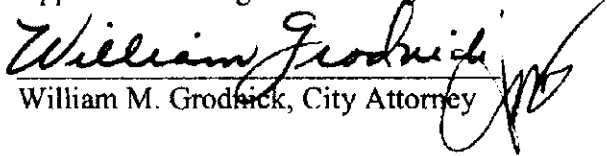
Carlos Hernandez
Council President

Attest:

Approved on this 9 day of May, 2011.


David Concepcion, Acting City Clerk
Mayor Julio Robaina

Approved as to legal sufficiency and form:


William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".